

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ADAM SIMMONS,

Movant,

V.

UNITED STATES OF AMERICA,

Respondent.

Cv. No. 1:23-cv-01248-STA-jay

ORDER DISMISSING § 2255 MOTION WITHOUT PREJUDICE

Adam Simmons, Bureau of Prisoners registration number 81329-509, an inmate at Coleman 1, Coleman, Florida, filed a pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. Because the motion did not comply with Rule 2(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts which requires that “[t]he motion must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule,” nor did Simmons sign his § 2255 motion under penalty of perjury as required by Rule 2(b)(5) of the Section 2255 Rules, Simmons was ordered to file an amended motion on the official form for § 2255 motions within twenty-eight days of the date of entry of the order which was April 11, 2024. (ECF No. 6.) Simmons was warned that, if he failed to file an amended motion on the official form and signed under penalty of perjury within the time set by the Court, the Court would close the case without further notice. More than the requisite time has passed, and Simmons has not filed an amended motion.

Accordingly, this matter is hereby **DISMISSED** without prejudice, and the Clerk of the Court is **DIRECTED** to enter judgment.

IT IS SO ORDERED.

s/ S. THOMAS ANDERSON
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: June 10, 2024